

THE HONOURABLE SMT JUSTICE K. SUJANA
CRIMINAL PETITION No.15756 of 2024

ORDER:

This Criminal Petition is filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of pre-arrest bail to the petitioner, who is arrayed as accused in Crime No.1243 of 2024 of Jawaharnagar Police Station, Rachakonda Commissionerate.

2. The brief facts of the case are that on 03.11.2024, at 6:00 AM, a petition was received from Colonel SK Singh, stating that his daughter, Manini Singh, a third-year BDS student at Army Dental College, had allegedly committed suicide by hanging herself in her hostel room. The college authorities informed the Police, and her body to the Gandhi Hospital mortuary in Secunderabad. Based on this complaint, a case was registered under Crime No.1243 of 2024 under Section 194 BNSS.

3. Heard Sri C. Hari Preeth, learned counsel for petitioner, Sri Syed Yasan Mamoon, learned Additional Public

Prosecutor appearing on behalf of respondent No.1, and Sri Allam Ramesh, learned counsel appearing on behalf of respondent No.2.

4. Learned counsel for the petitioner submitted that the petitioner is innocent, he is falsely implicated in a case due to the police acting at the behest of the *de facto* complainant and that the petitioner contends that the allegations do not attract the ingredients of the alleged offence under Section 306 IPC and that the police should have conducted the investigation based on the original complaint, not the supplementary complaint. He asserted that petitioner has been wrongly implicated, and his arrest would result in irreparable hardship and mental agony, damaging his career and reputation. The petitioner is apprehensive of arrest, as such, prays this Court for grant of anticipatory bail.

5. On the other hand, learned Additional Public Prosecutor opposed the bail application stating that the investigation is not yet completed. Therefore, at this stage, the question of granting of bail to the petitioner does not arise and prayed the Court to dismiss the criminal petition.

6. Learned counsel for respondent No.2 submitted that Colonel Sanjeev Kumar Singh, is currently posted at the Line of Actual Control in Himachal Pradesh and cannot represent her in this case. He further submitted that the petitioner allegedly induced the deceased into a physical relationship with false promises of marriage, raped her, and then broke those promises, leading her to commit suicide on 02.11.2024 and that the same was revealed through their communication. He further submitted that her father filed a representation addressing the Commissioner of Police on 12.12.2024 detailing the offence of the petitioner, and the petitioner has since filed a petition seeking anticipatory bail. Therefore, he prayed the Court to dismiss the criminal petition.

7. Having regard to the rival submissions made and on going through the material placed on record, it is noted that the allegation leveled against the petitioner is that he had an affair with the deceased and that phone calls between the petitioner and the deceased were found before the deceased committed suicide, as such, petitioner was suspected for the

said offence. As on today, no alteration memo is filed by the police for the offences punishable under Section 108 of BNS. Considering the said facts, this Court deems it fit to grant pre-arrest bail to the petitioner, subject to compliance of following conditions, and ensuring his presence during the investigation and trial:

- i. The petitioner shall surrender before the Station House Officer, Jawaharnagar Police Station, Rachakonda Commissionerate, within two weeks from today, and on such surrender, the said Station House Officer shall release him on bail, on executing a personal bond for Rs.25,000/- with two sureties, for the like sum each.
- ii. The petitioner shall abide by the other conditions stipulated in Section 482(2) of Bharatiya Nagarik Suraksha Sanhita, 2023 and co-operate with the Investigating Officer in investigating the case.

8. Accordingly, this Criminal Petition is allowed.

Miscellaneous applications, if any pending, shall stand closed.

K. SUJANA, J

Date: 03.01.2025
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